<center>**REMARKS/ARGUMENTS**</center>

1.)   Claim Rejections – 35 U.S.C. §103(a)

The Examiner has rejected claims 1-4, 7, 8 and 10 as being unpatentable over Einola, *et al.* (U.S. Patent No. 6,772,964 B1) in view of Rasanen (U.S. Patent Publication No. 2002/0045477 A1); and, claims 5 and 6 as being unpatentable over Einola in view of Rasanen and Lescuyer (EP Publication No. 1,257,141 A1

In the prior office action dated June 5, 2009, the Examiner rejected claims 1-4, 7, 8 and 10 as being anticipated by Einola. In response, the Applicant amended independent claims 1, 7 and 10 to clarify that the claimed functionality is performed in a core network node. To address that distinction of Applicant's invention, the Examiner now looks to the additional teachings of Rasanen.

As noted in Applicant's response to the prior office action, Einola discloses a method for handling a handover of a call of a mobile station from a serving wireless network to a neighboring wireless network. A core network node of the serving network generates a new network preference parameter based on capabilities of the mobile station and subscription data relating to the preference or permission of the user to utilize the neighboring network (Column 3, line 66 - column 4, line 2) or receives it from an HLR or the mobile station (Col. 7, lines 31-36). The parameter is sent along with an ASSIGNMENT REQUEST from the controller of the core network to the controller of the radio access network (Column 6, lines 14-18). Einola, however <u>**does not disclose**</u> that the ***core network node*** <u>**checks the transfer permission parameter associated to the user terminal**</u>. *Furthermore,* <u>**according to the teachings of Einola**</u>, the step of determining whether a handover of a call of the mobile station is to be performed is executed by the controller of the <u>**radio access network**</u> in response to the received parameter. In other words, determining that a transfer permission parameter indicates that a transfer of the associated user equipment is permitted, and that the user equipment belongs to a group of user equipment for which a preferred access network has been defined, are <u>***not***</u> executed by a <u>**core network node**</u>, *as recited in claims 1, 7 and 10.*

In the present office action, the Examiner asserts that "Einola discloses the claimed invention including that the MSC is a core network node (col 2, line 65) <u>**but**</u>

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does not explicitly disclose the BSC as a core network node." (Page 4, line 10, *et seq.*; emphasis added) The Applicant agrees that an MSC is a "core network node," as those skilled in the art understand, and that the teachings of Einola include a description of an MSC. The Applicant *disagrees*, however, with the Examiner's contention that a BSC *is a* "core network node."

As noted *supra*, Einola does not teach a core network node (*e.g.*, an MSC) that performs the functions of determining that a transfer permission parameter indicates that a transfer of an associated user equipment is permitted, *and that the user equipment belongs to a group of user equipment for which a preferred access network has been defined, as recited in claims 1, 7 and 10*. To overcome that deficiency of Einola, it appears that the Examiner is looking to the teachings of Rasanen as teaching that functionality being performed in a "BSC as a core network node." The Examiner states that "Rasanen . . . discloses that MSC and BSC are of the core network," referring to paragraph [0038]. The teachings of Rasanen in that paragraph, however, are not technically correct.

Rasanen states in paragraph [0038] that a "network control device . . . of the core network CN" includes both an MSC and a "BSC." Figure 1 of Rasanen, however, shows the BSC is **_outside_** the core network (CN); that is the conventional architecture known to those skilled in the art. Wikipedia describes a Network Switching Subsystem (NSS) as being "also referred to as the GSM core network."[1] Similarly, the figure in the Wikipedia entry for Base Station Subsystem (BSS) identified as "Structure of a GSM network (key elements)" illustrates the BSS, including a BSC, as being **_outside_** of the NSS (*i.e.*, **_not in the GSM core network_**).[2] Thus, the statement in paragraph [0038] of Rasanen **is not technically correct**; *i.e.*, a BSC is **_not_** within the "core network," and, therefore, as similarly noted *supra* with respect to Einola, Rasanen does not teach or suggest the claimed function of checking a transfer permission parameter value or the respective determining steps to be executed **by a core network node**. That technical fact has important significance to Applicant's invention.

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[1]   See: http://en.wikipedia.org/wiki/Network_switching_subsystem (emphasis added)
[2]   See: http://en.wikipedia.org/wiki/Base_station_subsystem#Base_Station_Controller and
      http://en.wikipedia.org/wiki/File:Gsm_structures.svg

By implementing the claimed functions in a core network node, rather than a radio access network controller, a network operator can steer network traffic based on subscription and the service in use. When a network operator has such control, the usage of network resources can be optimized. As an example, a network operator may decide to push speech calls for low end users towards a 2G access network while directing high end user traffic to a 3G access network. Einola and Rasanen each fail to disclose that functionality, and, therefore, independent claims 1, 7 and 10 are not obvious in view of those references.

Furthermore, whereas claims 2-4 and 8 are dependent from claims 1 and 7, respectively, and include the limitations thereof, they are not obvious in view of Einola and Rasanen. Similarly, the Examiner has not pointed to any teaching in Lescuyer that would overcome the deficiency in the teachings of Einola and Rasanen and, therefore, claim 1 is not obvious in further view of Lescuyer. Therefore, whereas claims 5 and 6 are dependent from claim 1, and include the limitations thereof, they are also not obvious in view of those references.

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CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 1-8 and 10.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

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